



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

Neil Reiff, Esq.
Sandler, Reiff and Young, P.C.
50 E St. SE
Washington, DC 20003

NOV - 5 2007

RE: MUR 5916
Colorado Democratic Party

Dear Mr. Reiff:

On October 18, 2007, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the first payment for the civil penalty, pursuant to the agreement, is due within 60 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Wanda D. Brown", is written over the word "Sincerely,".

Wanda D. Brown
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR. 5916

The Colorado Democratic Party and
Mark Ferrandino, in his
official capacity as treasurer

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CONCILIATION AGREEMENT

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COMMISSION
OFFICE OF GENERAL
COUNSEL
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This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities

The Commission found reason to believe that the Colorado Democratic Party and Mark Ferrandino, in his official capacity as treasurer ("Respondents"), violated 2 U.S.C. § 434(b)

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I The Commission has jurisdiction over Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i)

II Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III Respondents enter voluntarily into this agreement with the Commission

IV. The pertinent facts in this matter are as follows:

1. The Colorado Democratic Party is the state committee of the Democratic Party in Colorado, within the meaning of 2 U.S.C. § 431(15).

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2 Mark Ferrandino is the treasurer of the Colorado Democratic Party

3 The treasurer of a political committee must file reports of all receipts and disbursements in accordance with the Federal Election Campaign Act of 1971, as amended. 2 U.S.C. § 434(a)(1). A committee filing on a quarterly schedule, in a calendar year in which a regularly scheduled general election is held, shall file reports no later than the 15th day after the last day of each calendar quarter and shall also file a pre-election report no later than the 12th day before such election 2 U.S.C. § 434(a)(4)(A). Such reports shall disclose the total amount of all receipts and disbursements for that reporting period and calendar year. 2 U.S.C. §§ 434(b)(2) and (4).

4 On July 30, 2004, Respondents filed an original 2003 Mid-Year Disclosure Report, as required by 2 U.S.C. § 434(a)(4)(A)(iv). Respondents filed amendments to that report on January 28, 2004 and June 26, 2004, disclosing an additional \$99,027.25 in receipts and an additional \$226,673.73 in disbursements.

5. On October 21, 2004, Respondents filed an original 2004 October Monthly Disclosure Report, as required by 2 U.S.C. § 434(a)(4)(B). Respondents filed amendments to that report on August 7, 2005, disclosing an additional \$360,316.00 in receipts.

6. On October 22, Respondents filed an original 2004 Pre-General Election Disclosure Report, as required by 2 U.S.C. § 434(a)(4)(A)(ii). Respondents filed amendments to that report on December 3, 2004, February 28, 2005, April 29, 2005, August 8, 2005, and October 28, 2005, disclosing an additional \$211,668.71 in receipts and an additional \$737,585.15 in disbursements

7. On December 3, 2004, Respondents filed an original 2004 Post-General Election

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Disclosure Report, as required by 2 U.S.C. § 434(a)(4)(A)(iii). Respondents filed amendments to that report on March 3, 2005, April 6, 2005, April 29, 2005, July 19, 2005, September 2, 2005, and October 28, 2005, disclosing an additional \$575,213.38 in disbursements

8. On January 30, 2004, Respondents filed an original 2003 Year-End Report, as required by 2 U.S.C. § 434(a)(4)(A)(iv), and amended that report on July 9, 2004. Respondents reported that its ending cash-on-hand balance was \$99,994.64. On April 15, 2004, Respondents filed an original 2004 April Quarterly Disclosure Report, as required by 2 U.S.C. § 434(a)(3)(A)(ii), and amended that report on July 9, 2004. Respondents reported that its beginning cash-on-hand balance was \$30,526.67. There is a discrepancy between the reported cash-on-hand totaling \$69,671.71. Despite amendments to the 2004 April Quarterly Disclosure Report filed on November 10, 2004, February 16, 2005, and July 15, 2005, Respondents have corrected the discrepancy in the reported cash-on-hand.

9. The Committee contends that the errors and omissions in disclosure reports filed with the Commission were not intentional. Further, the Committee has taken steps to ensure that such errors and omissions do not occur again by retaining a compliance company with significant experience in party financial compliance.

V. 1. The Colorado Democratic Party and Mark Ferrandino, in his official capacity as treasurer, failed to report \$325,700.98 in receipts and disbursements in the original 2003 Mid-Year Disclosure Report; \$360,316.00 in receipts in the original 2004 October Monthly Disclosure Report; \$949,253.86 in receipts and disbursements in the original 2004 Pre-General Election Disclosure Report; and \$575,213.38 in receipts in the original 2004 Post-General Election Disclosure Report.

2. The Colorado Democratic Party and Mark Ferrandino, in his official capacity

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as treasurer, failed to accurately report the cash-on-hand balances in the original 2003 Year-End Disclosure Report and 2004 April Quarterly Disclosure Report, leaving a discrepancy of \$69,671 71.

VI Respondents will cease and desist from violating 2 U.S.C. § 434(b).

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Forty Five Thousand Dollars (\$45,000), pursuant to 2 U.S.C. § 437g(a)(5)(A). The civil penalty will be paid as follows:

1. A payment of Eleven Thousand Dollars (\$11,000) is due no more than sixty (60) days from the date this Agreement becomes effective;
2. Thereafter, five consecutive monthly installment payments of Six Thousand Eight Hundred Dollars (\$6,800) shall be paid within thirty (30) days of the previous installment, and
3. In the event that any installment payment is not received by the Commission by the fifth day after it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to further overdue installments.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.


X Except as provided in Section VII of this agreement, Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

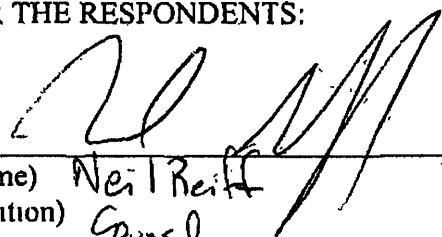
Thomasenia P. Duncan
~~Acting~~ General Counsel

BY:


Ann Marie Terzaken
~~Acting~~ Associate General Counsel
for Enforcement

11/2/07
Date

FOR THE RESPONDENTS:


(Name) Neil Reiff
(Position) Counsel

10/1/07
Date

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